

1 HONORABLE THOMAS O. RICE
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

Sarah A. Dunne, WSBA No. 34869
La Rond Baker, WSBA No. 43610
AMERICAN CIVIL LIBERTIES UNION
OF WASHINGTON FOUNDATION
901 Fifth Avenue, Suite 630
Seattle, Washington 98164
Telephone: (206) 624-2184
Email: Dunne@aclu-wa.org
LBaker@aclu-wa.org

Kevin J. Hamilton, WSBA No. 15648
Abha Khanna, WSBA No. 42612
William Stafford, WSBA No. 39849
Perkins Coie LLP
1201 Third Avenue, Ste. 4900
Seattle, WA 98101-3099
Telephone: (206) 359-8000
Email: KHamilton@perkinscoie.com
AKhanna@perkinscoie.com
WStafford@perkinscoie.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ROGELIO MONTES and MATEO
ARTEAGA,

Plaintiffs,

v.

CITY OF YAKIMA, MICAH
CAWLEY, in his official capacity as
Mayor of Yakima, and MAUREEN
ADKISON, SARA BRISTOL,
KATHY COFFEY, RICK ENSEY,
DAVE ETTL, and BILL LOVER, in
their official capacity as members of
the Yakima City Council,

Defendants.

NO. 12-CV-3108 TOR

[PROPOSED] FINAL JUDGMENT

[PROPOSED] FINAL JUDGMENT

Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

1 Pursuant to the Court's Order filed August 22, 2014, and upon
2 consideration of the parties' proposed forms of injunction and remedial plans,
3 the Court issues judgment as follows:
4

5 1. The City of Yakima's current at-large method of electing
6 members to the City Council violates Section 2 of the Voting Rights Act for
7 the reasons set out at length in the Court's Order dated August 22, 2014.
8

9 2. The City of Yakima is permanently enjoined from administering,
10 implementing or conducting any future elections for the Yakima City Council
11 in which members of the City Council are elected on an at-large basis, whether
12 in a primary, general, or special election.
13

14 3. Beginning with the elections for the Yakima City Council to be
15 held in 2015, and including the August 4, 2015, primary election and the
16 November 3, 2015, general election, all elections for the Yakima City Council
17 will be conducted using a system in which each of the seven members of the
18 City Council is elected from a single-member district. Each councilmember
19 must reside in his or her district, and only residents of a given district may vote
20 for the councilmember position for that district.
21

22 4. The Court hereby adopts, as a remedy for the Section 2 violation,
23 Plaintiffs' proposed Illustrative Plan 1. Maps and tables showing the
24 boundaries of the new seven single-member districts and their populations are
25 attached as Exhibit A.
26

27 5. The boundaries of the single-member districts reflected in
28 Illustrative Plan 1 are reasonably compact and are not in derogation of
29 traditional redistricting principles. The total population deviation among
30

1 districts is 6.33%, and therefore the districts comply with the one person, one
2 vote requirement of federal law. *Reynolds v. Simms*, 377 U.S. 533 (1964).
3
4

5 6. Defendants shall take all steps necessary to implement the seven
6 single-member district plan attached as Exhibit A in order to allow district-
7 based elections to proceed in 2015 and thereafter, provided, however, that the
8 City of Yakima may revise those districts based on annexations, deannexations,
9 and population changes reflected in the decennial census and at appropriate
10 times in the future when necessary to conform to state and federal law.
11
12

13 7. In order to preserve the current staggered election plan for
14 members of the City Council, the odd numbered districts will be set for a four-
15 year election cycle and the even numbered districts will be set initially for a
16 two-year term and thereafter for a four-year election cycle.
17
18

19 8. This judgment is binding upon all parties and their successors.
20 Future redistricting shall be done in a manner that complies with the terms and
21 intent of this Judgment and the Court's August 22, 2014 Order, continues to
22 provide for single-member districts, and complies with Section 2 of the Voting
23 Rights Act.
24
25

26 9. Any requests by Plaintiffs for costs and fees shall be further
27 determined by the Court in accordance with Fed. R. Civ. P. 54(d).
28
29

30 40 DATED this _____ day of October, 2014.
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

United States District Judge
Thomas O. Rice

1 Presented by:
2
3

4 s/ Kevin J. Hamilton

5 Kevin J. Hamilton, WSBA # 15648
6 Abha Khanna, WSBA # 42612
7 William B. Stafford, WSBA # 39849

8 **Perkins Coie LLP**

9 1201 Third Avenue, Suite 4900

10 Seattle, WA 98101-3099

11 Telephone: 206-359-8000

12 Fax: 206-359-9000

13 E-mail: KHamilton@perkinscoie.com

14 E-mail: AKhanna@perkinscoie.com

15 E-mail: WStafford@perkinscoie.com

16 s/ Sarah A. Dunne

17 Sarah A. Dunne, WSBA No. 34869

18 La Rond Baker, WSBA No. 43610

19 AMERICAN CIVIL LIBERTIES UNION OF WASHINGTON

20 FOUNDATION

21 901 Fifth Avenue, Suite 630

22 Seattle, Washington 98164

23 Telephone: (206) 624-2184

24 Email: dunne@aclu-wa.org

25 Email: lbaker@aclu-wa.org

26 s/ Joaquin Avila

27 Joaquin Avila (*pro hac vice*)

28 P.O. Box 33687

29 Seattle, WA 98133

30 Telephone: (206) 724-3731

31 Email: joaquineavila@hotmail.com

32 s/ M. Laughlin McDonald

33 M. Laughlin McDonald (*pro hac vice*)

34 ACLU Foundation

35 [PROPOSED] FINAL JUDGMENT -

36 4

37
38
39
40
41
42
43
44
45
46
47
LEGAL123498296.1

Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

1 230 Peachtree Street, NW Suite 1440
2 Atlanta, Georgia 30303-1513
3 Telephone: (404) 523-2721
4 Email: lmcdonald@aclu.org Attorneys for Plaintiffs
5
6

7 Attorneys for Plaintiffs
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

[PROPOSED] FINAL JUDGMENT -
5

1
2
3
4 **CERTIFICATE OF SERVICE**
5
6
7
8
9
10
11
12
13
14

15 I certify that on October 3, 2014, I electronically filed the foregoing
16 [Proposed] Final Judgment using the CM/ECF system, which will send
17
18 notification of such filing to the following attorney(s) of record:
19
20
21
22
23
24
25

Francis S. Floyd WSBA 10642
John Safarli WSBA 44056
Floyd, Pflueger & Ringer, P.S.
200 W. Thomas Street, Suite 500
Seattle, WA 98119
(206) 441-4455
ffloyd@floyd-ringer.com
jsafarli@floyd-ringer.com

*Counsel for
Defendants*

VIA CM/ECF
SYSTEM
 VIA FACSIMILE
 VIA MESSENGER
 VIA U.S. MAIL
 VIA EMAIL

26
27 I certify under penalty of perjury that the foregoing is true and correct.
28
29
30
31 DATED: October 3, 2014 **PERKINS COIE LLP**
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

s/Abha Khanna
Abha Khanna, WSBA No. 42612
AKhanna@perkinscoie.com
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
(206) 359-6217

Attorney for Plaintiffs